R. Dis File No. 2 2

1939.

Collection No.

Mysore Residency

Bangalore

(3)

08 mas
19/7/47 19/7

Pros. / Serial Nos. 1-8

P-20

Subject.

Excise auction sale of Ganja, & Opium shops for 1939-40. arrack

Previous References.

RD 392/38.

Later References.

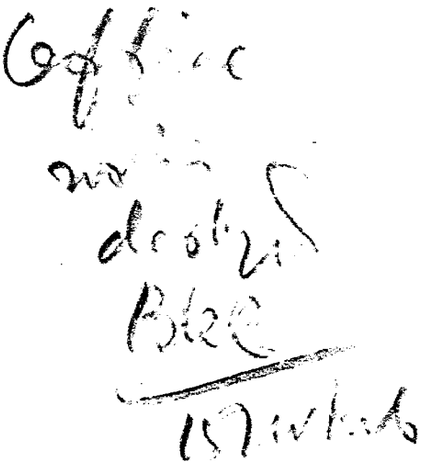
RJ 226/40

N.A

15/10/46.

S. 97.—(Green).

MFP—1663 S&P—(M-2971)—24-6-38—100,000.



CORRESPONDENCE.

S.N.1

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No. C. R. 344/39. encl. *Dated* the 8th April, 1939.

FROM

C. F. V. Williams Esquire, I. C. S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
12 APR. 1939
Diary No. 3810 SIR
File No. RA 2/39

The Secretary to the Hon'ble the Resident in Mysore,

B A N G A L O R E.

Ganja and Opium shops - auction sales - 1939-40.

Draft I put up

I have the honour to forward herewith for favour of approval and publication, a draft notification for disposal by auction of Ganja and Opium shops for the ensuing lease beginning with the 1st July 1939. The preliminary list regarding the number and location of the shops, as approved by the Excise Advisory Committee in accordance with the Hon'ble the Resident's Proceedings No. 8128 dated 25-10-1930 is embodied in the draft notification as Appendix II. (page 11)

Not put up + kept inside S.N.1
R. dis. 392-38

(N)

I request that 100 copies of the sale notification may be sent to me for distribution.

RECEIVED
8 - APR. 1939

I have the honour to be,
Sir,
Your most obedient servant.

8.4.39

for C O L L E C T O R.

MAD 8.4.39

Mysore W 245 of 39 &

(2)

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No. C. R. 344/39. *Dated* the 1st M a y, *1939*.

OFFICE OF THE
HON'BLE THE RESIDENT
IN MYSORE, BANGALORE.
2 MAY 1939
Diary No 4515
File No.....

FROM

C. F. V. Williams Esquire, I. C. S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,
BANGALORE.

SIR,

Ganja and Opium shops - auction sales - 1939-40.

In continuation of my letter dated the 8th April 1939 I have the honour to state that it is not convenient to conduct the sales on the 25th May 1939, as the usual monthly meeting of the Municipal Commission falls on that date. I therefore request that the date mentioned in the draft notification may kindly be altered to 'Friday the' 26th May 1939.'

I have the honour to be,
Sir,
Your most obedient servant.

RECEIVED
2 - MAY 1939

2.5.39
for COLLECTOR.

2.5.39

The Office of the Hon'ble the Resident in Mysore,
Dated Bangalore, the 2nd May 1939.

R.Dis.No. F.2(2)-39 / G & A.

Copy forwarded to the Manager, Residency Press, Bangalore, for necessary action.

O/c

25/5

for SECRETARY TO THE RESIDENT.

2.5.39

(3)

SM 3

(Original sent to press.)

THE HON'BLE THE RESIDENT IN MYSORE.

No. 39, dated Bangalore, the 2nd May 1939.

Corrigendum.

In lines 5 and 6 of notification by the Hon'ble the Resident in Mysore No. 30, dated the 20th April 1939, *for* the words and figures " on Thursday the 25th May 1939 " *read* " on Friday, the 26th May 1939 ".

advisable

CONDITIONS OF AUCTION SALE.

I. Any person desiring to bid must deposit Rs. 50 with the Collector or selling officer on the day of sale. No one will be admitted to the auction room unless he has made this deposit. No one will be allowed to bid for another person unless he holds a power-of-attorney from him. Deposits made under this clause will be returned on application to unsuccessful bidders at the close of the day's sale.

II. The officer conducting the sale may, at his discretion, refuse to accept the bid of any person on the ground (1) that he has been convicted by a criminal court or has previously been guilty of such a breach of the conditions of licence or of a contract under the Excise Regulation / Opium Act as to render him undesirable as a holder of a licence; or (2) that he is insolvent or in arrears to Government; or (3) that his bid is purely speculative; or (4) that he is a subordinate in the Revenue or Municipal Department in the Station or a relative of such persons; or (5) that he is the contract supplier of country spirits for the Civil and Military Station; or (6) that he is a brewer bidding for beer shops; or (7) that such a course is necessary to prevent arrangements to the detriment of Government interests; or (8) for any other valid reason.

III. The reserve price placed on each shop will not be published but the average annual rental during the previous five years will be furnished by the Collector, wherever possible, for the information of bidders. The selling officer will fix the upset price of each shop.

IV. The shops will be put up to auction in the order in which they are notified unless the selling officer sees reason to change that order.

V. The highest bid will be provisionally accepted by the selling officer subject to the formal confirmation by the Hon'ble the Resident. Such subsequent confirmation after the close of the sale will be necessary even if the selling officer is the Collector himself. The Collector will be at liberty to accept or reject any bid at his discretion. If the selling officer before the close of the sale rejects under condition II the highest bid for any shop he may at his discretion either accept the next highest bid or resell the shop. In case of dispute the Collector's decision will be final.

VI. (a) Every person whose bid is provisionally accepted shall—

(i) at once, if so required by the selling officer or otherwise at the close of the day's sale, deposit, in addition to the deposits made under clause I, half a month's rent for each shop knocked down to him, unless the initial deposit equals or exceeds two months' rent;

(ii) at once apply in writing for a licence for each shop knocked down to him and within a week thereafter furnish the Superintendent of Excise with the boundaries of the site selected by him for the location of the shop and the Collector with a statement in the prescribed form (annexed to this notification) showing petails of the immovable property possessed by him, or in which he has an interest together with accurate and full details of encumbrances, etc., thereon;

(iii) within fifteen days from the date of sale deposit such further sum as with the deposits already made under sub-clause (i) *supra* will make up two months' rent of all shops knocked down to him.

(b) Further if the Collector is not satisfied that any such person can be trusted to pay his rent punctually and fully, he may require him, in addition to the deposits required under clause (a) (iii) *supra*, either—

(i) to deposit two months' rent of all shops knocked down to him, or

(ii) to execute a mortgage of his immovable property in favour of the Government for all moneys that may become due under the terms of the contract with a power of sale in favour of the mortgagee to be exercised in default of payment thereof by the purchaser, or

(iii) to produce to the Collector, to be approved by him, a surety or sureties who should execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract and to execute a mortgage deed of his or their immovable property in favour of the Government for the payment of all moneys due under the said contract by the purchaser with a power of sale in favour of the mortgagee in default of payment thereof, by the surety or sureties or by the purchaser, or

(iv) if the Collector is not satisfied that the value of his immovable property tendered as security is adequate, he may require such person further to produce, to his satisfaction, in addition to mortgaging his property, a surety or sureties who shall execute a security bond for the balance of the money that may become due and execute a mortgage deed of the surety or sureties' property in favour of the

Government. The sureties referred to in sub-clauses (iii) and (iv) should submit to the Collector a statement in the prescribed form (annexed to this notification) showing details of their immovable property. The purchaser shall be bound to carry out the provisions of sub-clauses (i) to (iv) above, within fifteen days from the date of sale.

The bond and the mortgage deeds shall be stamped and registered at the expense of the purchaser. He shall also be bound to execute a counterpart agreement. The bidder or his surety must produce at his cost an encumbrance certificate in cases where immovable property is mortgaged to Government.

VII. Deposits will be returned in any case in which the Hon'ble the Resident refuses to confirm the acceptance of the bid.

VIII. At the close of the day's sale the selling officer will notify the date on which resales, if any, are found necessary, will be held ; when the list of shops to be resold has been drawn up, a copy of it will be sent to any bidder who gives his name and address to the Superintendent of Excise.

IX. The order of the Hon'ble the Resident confirming or refusing to confirm the acceptance of a bid shall be final.

X. On the failure of any person to make a deposit or apply for a licence under condition VI or to comply with any requisition or to execute any engagement under condition VI, the deposits already made may be forfeited and the shop may be resold under the orders of the Collector or on a report from the Superintendent of Excise may be otherwise disposed of by him. Resales under this condition will be at the risk of the defaulting bidder, who will forfeit all gain and, in the event of a loss, will be required to make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the resale. In the latter case, the forfeited deposits will be deducted from the loss arising from the resale, and the remainder, if any, will be recoverable in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposits be greater than the loss by resale, the whole of such deposits will be credited to Government. The defaulting bidder will be similarly liable if the shop is disposed of otherwise than by resale and such disposal results in loss to Government as compared with the original sale. Disposal otherwise than by resale includes closure.

XI. The purchaser of any excise or opium privilege is liable to the penalties prescribed for breaches of the conditions set forth below, though a formal licence may not have been issued to him. In the event of the purchaser's death after issue of the licence, his heirs and assigns shall be responsible for all moneys that may become due to Government under the terms of the licence as well as for the proper observance of all the conditions of the licence.

XII. The deposits under condition VI (a) (iii) and (b) (i) may be made either in cash or in recognised Government, Port Trust, Municipal or Local Board Securities, or by depositing Postal savings bank pass-books. When deposits are made otherwise than in cash, the Collector may demand that they shall be of such higher face value than the cash deposit required as in the circumstances of the market he may think necessary. In the event of such security depreciating or appreciating to the extent of Rs. 100 or more, the Collector may call upon the depositor to produce further Government paper to the extent of depreciation or return to the depositor Government paper to a similar extent. Where the deposits under this condition are sufficient, under the Collector's orders, to cover also deposits made in cash under conditions I and VI (a) (i) which have not been refunded as well as deposits due under condition VI (a) (iii) and (b) (i) the deposits made in cash may be returned to the depositors. The savings bank pass-books or securities other than Government promissory notes deposited must be endorsed in the name of the Collector and Government promissory notes deposited shall remain in the name of the depositor and must be enfaced for payment of interest at the treasuries or the Bank or at both at which they are deposited, if so required.

XIII. Deposits in cash will be adjusted towards the instalments of kists due in the last months of the period of the lease. . Deposits of securities or savings bank pass-books will be returned on payment in cash of the full amount of the rent due and of any penalties or other sums recoverable under the terms of the licence or of the conditions set forth below unless the depositors wish that Government should take them over, in which case they will be taken over at the price of the day less commission and brokerage chargeable under the Government Security Rules, and the balance, if any, due to Government must be paid in cash. In cases of default under condition X of the conditions of auction sale or where under any one of the conditions of the general conditions applicable to all excise and opium licences or of any of the sections of Regulation I of 1915 or the rules made thereunder, the licence is cancelled, all securities deposited are liable to be sold for any amount due to Government under the terms of the lease, the remainder, if any, due after such sale, being recovered as arrears.

ANNEXURE.

List of immovable property possessed by
Successful bidder of
Surety of the successful bidder of shop No. at
in the Civil and Military Station, Bangalore, for the
lease 19 19

(1) Name
(2) Father's name
(3) Residence and address
(4) Occupation
(5) Particulars of immovable property possessed

1.

District.	Taluk.	Village and name of street in case of houses.	Survey numbers (and door numbers in case of houses).	Extent	Wet or dry.	Assessments.	Market value per acre in case of land.	Registered in whose name; if pattadar, patta No.
1	2	3	4	5	6	7	8	9

II. What is the nature and extent of your ownership or interest in the above property ?

III. Are there any existing encumbrances on the above property ? If so, nature and amount of each such encumbrance.

IV. Are there any other claims upon the property shown in head I above ? If so, the nature and amount of such claim should be stated.

I, , son of , residing at , hereby solemnly declare that the facts about my property above stated are complete and true and that there are no encumbrances thereon beyond those shown in head III above and I shall not encumber / further encumber any of the property shown in statement above without the previous intimation in writing to the Collector of the Civil and Military Station, Bangalore.

Witness

Address

Date

Place

Signature

NOTE.—1. Under head II, it should be stated whether the property is the sole or joint family property of the declarant; if joint family, the share of the declarant and value thereof should be stated.

2. Under head IV should be noted interests in or claims on the property other than those noted under head II, e.g., claims on account of dowry or stridhanam.

The Collector should question the deponent further, if necessary, in order to elucidate his statement and should record the replies which should be signed by the deponent and the Collector and attached to this declaration.

GENERAL CONDITIONS APPLICABLE TO ALL EXCISE AND OPIUM LICENCES.

1. Shops and depots must be opened by the dates fixed by the Collector and must be kept open every day unless their temporary or permanent closure is authorized under conditions 10, 11 or 40 *infra*.

2. Except where definite sites in the possession or under the control of Government have been prescribed, purchasers of shops must make their own arrangements for securing proper sites for their shops. They are at liberty to choose any site within the local limits notified by the Collector, provided the site selected is approved of by the Revenue and Police authorities. The limits of the site selected and approved will be entered in the licence. The possession (except subject to the rules applicable to unlicensed persons) or sale of liquor, opium or intoxicating drugs outside those limits is prohibited.

16. No liquor, opium or intoxicating drug shall be sold in shops except for cash. The licensee shall be bound to give intimation of the offer of anything other than cash to the nearest Magistrate or Police officer. This condition is not, however, meant to restrict credit sales in the ordinary course of business by shopkeepers or firms of standing and respectability dealing in foreign liquor for consumption off the premises.

17. No liquor, opium or intoxicating drug shall be sold either below or above such minimum or maximum prices as may be fixed for sale of the same in accordance with the law for the time being in force.

18. No liquor, opium or intoxicating drug in excess of the quantities prescribed for possession without a licence as specified below shall be issued to any person at any one time from any licensed premises without a valid permit, nor shall liquor be sold at wholesale depots in quantities less than the minima prescribed:—

Arrack.	Toddy.	Ganja.	Opium.	Coconut toddy arrack.
Four drams or one reputed pint.	Half a gallon or three reputed quarts.	Three tolas.	One tola.	Two Imperial gallons.

Permits shall be in printed books, which can be obtained at the office of the Superintendent of Excise on production of receipts for payment of the cost price into the Imperial Bank of India, Civil and Military Station, Bangalore. The signing of blank permits for subsequent issue is prohibited.

19. Only such weights and measures as may from time to time be prescribed by the Hon'ble the Resident shall be possessed or used on any licensed premises, and they shall be tested and stamped in such manner and by such agency as the Collector may direct. Short measurement and short weighment is strictly forbidden.

20. No drunkenness, disorder or gaming shall be permitted in depots or shops. Entertainments of any kind in depots or shops are also strictly forbidden. Licensees are prohibited from advertising the sale of liquor by beat of tom-tom or placards in the streets and in the neighbourhood of markets.

21. No robbers or thieves or disorderly or riotous persons shall be harboured in depots and shops. Intimation of their resort thereto shall be given to the nearest Magistrate or Police officer.

22. No person shall be harboured in any depot or shop during the night.

23. True accounts of transactions shall be maintained from day to day in ink in the prescribed form. Unless special permission is given to the contrary, separate accounts shall be kept for the transactions under each licence. The accounts shall be in printed books which may be obtained from the office of the Superintendent of Excise on payment of cost price. Permits for liquor, opium or intoxicating drugs received and the counterfoils of permits issued must be carefully filed in support of the accounts. The accounts and counterfoils of permits shall be preserved for one year after the period covered by the licence; they shall be handed over at the end of the lease either to the Excise Sub-Inspector directed to receive the same or to the incoming licensee and they shall be produced when called for by an officer not below the rank of a Sub-Inspector of the Excise Department.

24. Except in the case of fixed fee licences, the amount for which the privilege of sale has been purchased shall be payable in advance in twelve equal monthly instalments ('kists') into the Imperial Bank of India (Government Treasury), Civil and Military Station, Bangalore, beginning with April or July as the case may be. In the case of toddy shops tree-tax should also be paid into the Imperial Bank of India. Kists should be paid in advance on or before the 15th of each month and the instalments of fixed fee Bar licences should be paid on the dates specified by the order. Fines will be levied on any amounts not so paid; interest will also be levied on any amounts not paid before the end of the month for which they are due. After the 25th of the month shops are liable to be sold for failure to pay kists. Fees for depot licences must be prepaid.

25. No remission or abatement of the rent or fixed fee paid shall be claimable on any account whatever.

26. Power is reserved to the Collector to suspend licences in case of failure of payment of kists of fixed fees on the due dates. In the event of suspension of a licence for failure to pay arrears, the privilege of sale will be resold with effect from the date of issue of the licence to the new purchaser, or otherwise disposed of at the Collector's discretion. Disposal of the privilege of sale otherwise than by resale includes also closure of the shop or tavern. All losses on account of suspension and resale or other disposal of the privilege shall be borne by the defaulting licensee and shall become due immediately on resale or other disposal

of the shop ; but the defaulting licensee shall have no right to any gain which may accrue. The whole of the deposit, if any, made by the licensee shall be liable to forfeiture. The Collector may at his discretion allow sales to continue pending resale or other disposal of the privilege.

27. No privilege of supply or vend shall be sold, transferred or sub-rented without the Collector's, or in the case of a supplier under the contract distillery supply system the Hon'ble the Resident's previous permission. Nor, if the Collector so orders, shall any agent be appointed for the management of any such privilege without his previous approval.

28. (a) No Excise or Opium licensee in an Indian State or Foreign territory will be allowed to have any interest in a licence for the same article in British territory without the special permission of the Collector.

(b) No Excise or Opium licensee in a British district where a low rate of duty is in force will be allowed to have any interest in a licence for the same article in the Civil and Military Station of Bangalore where a higher rate of duty prevails without the special permission of the Collector. Breach of this condition will render the party liable to the penalties prescribed by condition 37 in respect of all or any of the licences held.

(c) No Opium or Excise licensee or any servant in his employ will be allowed to have any interest in the manufacture of beer or in the manufacture or supply of country or locally-made spirits or coconut toddy arrack, nor shall the licensee employ as agents or in any other capacity any person having any such interest.

29. Such returns and information as may be required by the Superintendent of Excise from time to time shall be furnished by holders of licences.

30. Licensees are bound to report to the Superintendent of Excise all instances which come to their knowledge of persons employed by them in the manufacture, transport or sale of liquor, opium or intoxicating drugs, committing breaches of the $\frac{\text{Excise}}{\text{Opium}}$ laws and to comply with the Superintendent's orders respecting the continued employment of such persons.

31. Pecuniary dealings by licensees of any kind whatever with officials of the Land Revenue, the Municipal and the Excise Department are absolutely prohibited.

32. Any licence shall be revocable by the Collector, at his discretion on giving the licensee fifteen days' notice of such revocation, in which case a proportionate part of the fee paid will be refunded.

33. All licensees shall be bound by any additional general rules that may be prescribed under the $\frac{\text{Excise}}{\text{Opium}}$ laws and shall, if so required by the Collector or any officer authorized by him, deliver up their licences for amendment or for the issue of fresh ones.

34. The officers authorized to inspect licensed shops and depots are—

(1) any officer of the Revenue Department of rank not lower than Revenue Inspector, and

(2) any officer of the Excise Department of rank not lower than Sub-Inspector.

These officers are empowered to enter and examine the premises, to test the weights, measures, liquor, opium and intoxicating drugs in the possession of the licensees, and to call for and check the accounts kept in the shop or depot. Police officers will also make inspections when it comes within the scope of their duty.

35. All officers authorized to inspect depots and shops are authorized to detain any liquor, opium or intoxicating drugs found unfit for consumption or use or which they may believe to have been tampered with in any of the ways referred to in condition 12 and the Collector and the Superintendent of Excise are empowered to confiscate or destroy such liquor, opium or intoxicating drugs.

36. An inspection note-book, in the prescribed form (G-1), shall be maintained for the use of inspecting officers and shall be handed over to the Superintendent of Excise or to any officer authorized by him to receive it on a receipt being given therefor. This note-book is the property of Government and shall be returned at the end of the lease to the Sub-Inspector or to the incoming renter on a receipt being given therefor.

37. (1) If a licensee or any person in his employment is convicted by a competent court of any offence against the $\frac{\text{Excise}}{\text{Opium}}$ Act or of any offence under Indian Penal Code which in the Collector's opinion renders it desirable to cancel the licence or if it is brought to the notice of the Collector that the licensee has been convicted by a competent court of any such offence prior to the grant to him of the licence, the Collector may direct that the licence shall be cancelled and the privilege be resold or otherwise disposed of at the risk of the licensee and may further direct, if he considers it necessary to do so, that any deposits made by the licensee shall be forfeited.

3. Sales under any Excise or Opium licence must be conducted in an approved building of which the whole or the whole of a separate part must be entirely set aside for use as a depot or shop. Licensees must keep their shop premises in a sanitary condition to the satisfaction of inspecting officers. In the case of arrack shops and taverns there shall be no possible means of ingress or egress in any direction except into the main street; if there are other doors they shall be kept locked under the seal of an officer of the Excise Department; the interior of the shop shall be sufficiently lighted by day and the whole interior visible from the front door; the shop shall not be used as a place of residence save by the vendor and his family or caretakers, if so permitted and subject to such conditions as may be prescribed. If there are means of communication between the depot or shop and an adjoining dwelling house, they must be kept locked at night.

4. Except when two or more foreign liquor licences are held by one person or in the case of licences held by chemists and druggists and medical practitioners, sales under different licences must be conducted in different premises.

5. In liquor shops in which consumption on the premises is permitted, private bars may be allowed by the Collector under a special licence to be granted by him free of fee; provided that the interior of the bar is wholly visible from the doorway, and that the entrance to it is either through the main door of the shop or through a separate door provided with a proper sign to show the nature of the bar.

6. A signboard must be affixed to the front of each depot or shop showing the nature and number of the licence under which sales are conducted there, the name of the licensee and (except in the case of foreign liquor) the current rate of sale. These particulars must be legibly painted in the local vernacular and in the case of taverns and wholesale depots in English also. The licence must be hung up in a conspicuous place within the depot or shop.

7. The possession upon any licensed premises of any liquor, opium or intoxicating drug except that to which the licence relates or of any essence or substance used or capable of being used for colouring or flavouring liquor except in accordance with the terms of a compounding licence is prohibited.

8. Such supply of liquor, opium or intoxicating drugs as the Collector may consider sufficient to meet local requirements must be maintained in depots and shops.

9. No arrack, ganja or opium shop or beer or foreign liquor tavern shall be opened before 11 a.m. and no toddy shop before sunrise. Depots shall be kept open from 7 a.m. to 12 noon and from 2 p.m. to 6-30 p.m.

10. (a) No shop or depot shall be kept open after the hours prescribed below except under special authority :—

Arrack, beer and toddy shops and foreign liquor taverns ...	9-30 p.m.
Ganja and opium shops	8 p.m.
Other foreign liquor licences issued on fixed fee except theatre bar, special bar and hotel licences ...	9 p.m.
Depots	6-30 p.m.

The Collector may on the report of the Police or for other sufficient reasons order the closure of any shop at an earlier hour if he should consider such a course to be advisable in the interest of the public.

(b) With the previous sanction of the Hon'ble the Resident, the Collector is authorized (i) to notify at the time of the auction that specified shops will be closed on the occasion of specified festivals, and that the hours of sale at specified shops which are in the neighbourhood of a market or shandy will be limited on market days generally or that they will be liable to limitation on such occasions by orders issued during the currency of the lease, if it is found that the shops promote drunkenness; (ii) to order the closure of specified shops in the neighbourhood of factories, mills and other places, where large numbers of operatives assemble on week days, on the afternoons of pay days and during such hours as he may deem fit. A special condition embodying these restrictions or liabilities will be inserted by the Collector in the licences granted to the renters of all such shops.

(c) The closing hour for bars, hotels and special bars is 10 p.m. The Collector after consulting the Commissioner of Police, however, may permit the extension of the time to 11 p.m.

(d) 9 p.m. is fixed as the general closing hour in the case of Railway refreshment rooms. The Collector is authorized to note in the licence the particular hours after 9 p.m. during which such licensed premises may be kept open for the sale of liquor to *bona fide* travellers only with reference to arrival and departure of trains. The Collector may alter these hours during the currency of the licence with reference to any alteration in the Railway time-tables.

(e) In the case of occasional, special and theatre bar licences, the closing hour will be that which is fixed in the licence.

11. Depots and shops must be closed, if the Collector so orders, while a regiment or detachment of soldiers is passing or is encamped in the vicinity. The Collector shall have power also temporarily to close any shops in times of religious excitement or disturbance. Every depot and shopkeeper shall close his depot or shop when a riot or disturbance occurs or appears likely to occur in the neighbourhood.

12. All liquor, opium and intoxicating drugs sold or kept for sale shall be of good quality and unadulterated. Nothing shall be added to liquor, opium or intoxicating drugs either to increase their intoxicating power or for any other purpose. This prohibition, however, does not apply to the compounding or blending of liquor or to the manufacture of intoxicating drugs from hemp drugs and opium in accordance with the terms of a licence. Liquor shall not be bottled except under a bottling licence. Nor shall different kinds of liquors be mixed and sold under the designation of one of them.

13. No woman shall be employed in any Excise or opium shop for the sale of liquor, opium or intoxicating drugs without the special permission of the Collector unless she be a member of the renter's family. The admission of a woman, except as provided, or a child or young person under 18 years of age into the licensed premises of any arrack, toddy, ganja or opium shop or foreign liquor or beer tavern, is prohibited.

14. No person suffering from leprosy or any contagious disease shall be allowed to be the holder of Excise or Opium privileges; nor shall licences be granted to persons below the age of eighteen in the case of Excise privileges and twenty in the case of opium privileges. The sale or transport of liquor, opium or intoxicating drugs by persons below the age of eighteen (twenty in the case of opium) or by persons suffering from leprosy or any contagious disease and the employment in any capacity of such persons in shops or depots' licensed for the sale of the same are prohibited. No persons who have been convicted under the Indian Penal Code shall be employed in the transport or sale of liquor, opium or intoxicating drugs without the Collector's previous permission. The Collector may, where necessary, call for the names of all persons employed or proposed to be employed in any capacity in connection with the management or the working of a depot or shop and, if he disapproves of any such person, may forbid the licensee from keeping him in employment.

NOTE.—This rule also applies to the sale of eatables by persons in liquor shops.

15. (a) No liquor, opium or intoxicating drug shall be sold or given—

I. Except at shops specially approved by the General Officer Commanding the Division (or independent Brigade) or the Officer Commanding the Cantonment or Camp, and then only in respect to such liquors as shall be approved by the same authority in consultation with the local Excise authorities and specified in the licence—

(1) to sailors of the Royal Navy, soldiers and members of their families; or

(2) to any other person living in barracks;

II. (1) to persons whom a vendor knows, or has reason to believe, to be camp followers, i.e., any class of followers (other than private servants) whether on or off duty, who have a right to be in Cantonments;

(2) to Policemen, Excise officers, Railway servants and to drivers and conductors of motor buses when on duty; or

III. in any circumstances to any—

(1) European vagrant under escort of the police;

(2) insane person;

(3) person known or believed to be intoxicated; or

(4) person known or suspected to be about to take part in a riot or disturbance of the public peace or other crime.

(b) No liquor or intoxicating drug shall be sold or given in any circumstances to any child or young person under eighteen years of age or adult female; no opium shall be sold or given in any circumstances to any child or young person under twenty years of age or adult female.

(c) No child, young person under eighteen years of age or adult female shall be admitted into the premises of any shop in which consumption is allowed on the premises subject to the exception in condition 13.

NOTE.—(1) The restrictions in I and II do not apply to soldiers, their families and followers when they are absent on leave from their regiments.

(2) The restrictions in clauses (b) and (c), so far as they relate to adult females, do not apply to foreign liquor licences issued on fixed fees.

9. Discretion is reserved to the Collector to issue separate licences to licensed chemists for the sale of opium and the manufacture and sale of opium preparations for medicinal purposes only.

10. The minimum selling price of opium will be fixed at Rs. 1-9-0 per tola.

APPENDIX II.

Shop No.	Police Station.	Locality.	Wider Boundaries.
		Schedule I.—Ganja Shops.	
1	C. Division.	Ulsoor—On Ulsoor Bazaar Road—between Old Madras Road and Kensington Road.	
2	B. Division.	Papareddypalyam—On Tannery Road—between Jevanapalli Road (Municipal Limit) and its junction with Haines Road.	
3	,,	Market—On New Market Road—between the Russell Market and Nullah Road.	
4	,,	Blackpully—On Blackpully Road—between Chandy Chowk Road and Broadway.	
5	C. Division.	Shoolay—On Markham Road—between Brigade Road and Commissariat Road.	
		Schedule II.—Opium Shops.	
1	C. Division.	Ulsoor—On Ulsoor Bazaar Road—between Old Madras Road and Kensington Ro	
2	B. Division.	Market—On Dharmaraja Street—betwee Russell Market and Old Poor Road.	
3	,,	Blackpully—On Blackpully Road—between C Chowk Road and Broadway Road.	
4	C. Division.	Shoolay—On Markham Road—between B Road and Commissariat Road.	

NOTE.—The premises selected for each of the above shops should be an unobjectionable site within the limits.

9 issues 8/5/39

O/C

for *Secretary to the Res*

To be published in the Mysore Residency Orders
110 printed copies may be supplied to t idency.

Copy forwarded to the Collector, Civil & Milit Station, Bangalore, with reference to his let No.C.R.344/39, dated the 8th April 1939 (with 100 spare copies).

6. Ganja shall be purchased only from the Government Excise Warehouse in the Station and licensees must pay both the duty and cost price of the drug and any other charge levied under para. 5 *supra* into the Imperial Bank of India. They should present the Bank receipt in token of payment of the above charges to the Warehouse Officer who will make the issue from the stock in the Warehouse.

7. No licensee shall keep any greater quantity of ganja, bhang and other intoxicating drugs prepared from the hemp plant than may be fixed by the Collector. The Collector may by notification at the time of the auction sale impose a maximum limit on the quantity of ganja to be sold under the licence or may at any time during the currency of the lease, if he finds that the issues to a shop are abnormally high, restrict further issues, unless good reason is shown to the contrary by the licensee.

8. The licensee is prohibited from breaking up the pressed ganja kept for sale in his shop except in such quantities not exceeding the average daily sales in the shop. Other drugs may be manufactured from ganja and bhang in shops and sold to other licensees under these rules.

9. No licensee shall destroy the seeds or any part of his stock of ganja. The seeds, if separated from the stock as well as any part of the stock which the licensee desires to destroy should be carefully preserved for examination and destruction by an inspecting officer.

10. If any ganja licence is used as a cloak for illicit sales or if the licensee knowingly sells ganja to a ganja smuggler or if the Collector has reason to suspect that the licensee is guilty of any offence of that nature, he may, after recording his reasons, forthwith cancel the licence and resell or otherwise dispose of the privilege at the risk of the licensee. The rent for the whole lease shall become due at once when a licence is cancelled under this condition.

11. The duty on ganja will be Rs. 30 per seer and that on bhang will be Rs. 13 per seer.

12. The minimum selling price of ganja will be Re. 0-10-8 per tola.

CONDITIONS APPLICABLE TO OPIUM SHOP LICENCES.

1. The licensee shall be bound by the rules prescribed under the Opium Act as notified in the Hon'ble the Resident's Notification No. 89, dated 6th December 1934, and by any additional general or special rules which may from time to time be notified.

2. The privilege conferred extends only (a) to the retail sale of opium and (b) to the manufacture and retail sale of intoxicating drugs made from opium or the poppy other than "morphia" or preparations of opium for smoking in shops duly sanctioned.

3. The price of opium at the Government Treasury will be Rs. 85 per full seer cake and Rs. 42-8-0 per half-seer cake.

4. The licensee shall obtain his supply of opium from the Government Treasury in quantities of half a seer and multiples thereof on complying with the rules regulating such issues, or from other shops within the Station, under the special orders of the Collector. No opium other than that obtained in the manner specified above shall be sold or received or possessed by the licensee. Every indent for opium will be carefully scrutinized by the Superintendent of Excise who may, after obtaining the orders of the Collector, refuse to pass it for supply in full and may pass for supply only such quantity as the Collector considers reasonable.

5. The licensee shall not sell at any one time to any person more than one tola of opium or intoxicating drugs. The licensee is prohibited from breaking up the pressed opium cakes kept for sale in a shop in quantities not exceeding the average daily sales in the shop.

6. The licensee shall keep at any one time no greater quantity of opium or intoxicating drugs other than "morphia" or preparations of opium for smoking than may be fixed by the Collector. The Collector may, by notification, at the time of the auction sale, impose a maximum limit on the quantity to be sold under a licence, or may at any time during the currency of the lease, if he finds that the issues to a shop are abnormally high, restrict further issues unless good reason to the contrary is shown by the licensee.

7. If this licence is used as a cloak for illicit sales or if the licensee knowingly sells opium to an opium smuggler or if the Collector has reason to suspect that the licensee is guilty of any of the offences, he may, after recording his reasons, forthwith cancel the licence and resell or otherwise dispose of the privilege at the risk of the licensee. The rent for the whole lease shall become due at once when a licence is cancelled under this condition.

8. The smoking or consumption of opium in any form in premises licensed for sale and the sale or possession of morphia or opium preparations for smoking are prohibited.

(2) Infraction of any of the conditions of the licence by a licensee or by any person in his employment will render the licensee liable to either to be prosecuted and on conviction dealt with under clause (1) or to fine not exceeding Rs. 50 or to cancellation of licence and resale or other disposal of the privilege at the risk of the licensee and, if considered necessary by the Collector, to forfeiture of deposits. The rent for the whole lease shall become due at once when a lease is cancelled under this or the preceding rule.

The Superintendent of Excise may impose fines up to a maximum Rs. 20 under rule 37 (2).

(3) When a licensee holds more than one licence granted under the Excise or Opium Act and when any one of these licences is cancelled under clause (1) or (2) above or under the special conditions applicable to ganja or opium shop licences, the Collector, at his discretion, may direct that any or all of the other licences under the Excise and Opium Acts held by the licensee shall be cancelled and the several privileges be resold or otherwise disposed of at the risk of the licensee and, if necessary, may further direct that any deposits made by the licensee shall be forfeited. The rent for the whole lease shall become due when a licence is cancelled under this rule.

NOTE.—For continuing breaches of a licence, continuing fines may be imposed.

38. Any sum due by a licensee may be adjusted from the deposit, if any, made by him or collected under the Revenue Recovery Act as an arrear of land revenue. The licensee shall be bound to replace any sum adjusted from his deposit within fifteen days of receipt of notice from the Collector.

39. Interest on all moneys due shall be payable at the rate of 6 per cent per annum.

40. No changes in the number or location of shops and depots affecting the interest of adjacent shopkeepers shall be made during the currency of a lease except under the special sanction of the Hon'ble the Resident. The Collector may at any time permit or order the transfer of a shop within the limits notified for the shop in the sale notice.

41. The right is reserved to the Collector to grant 'Occasional licences' for the sale of liquor, opium and intoxicating drugs on the occurrence of fairs, festivals, etc., in places in the vicinity of which there are no regularly licensed shops. Such licences should be issued only when absolutely necessary and shall ordinarily be granted to the shopkeepers who usually supply the locality or in rented areas to the representative of the renter. The licences shall run only for such period not exceeding ten days as they are actually required. Not more than one licence shall be issued for a fair or festival without the sanction of the Hon'ble the Resident. The fees to be paid for the licences shall be fixed at the discretion of the Collector.

SPECIAL CONDITIONS APPLICABLE TO GANJA LICENCES.

1. The licensee shall be bound by the General or Special Rules relating to ganja which may from time to time be prescribed and notified by the Hon'ble the Resident.

2. The privilege conferred extends only to the sale of ganja, bhang and other intoxicating drugs prepared from the hemp plant; but the privilege shall not extend to the manufacture or sale of ganja or bhang in the form of beedies or cigarettes or sale of ganja or bhang mixed with tobacco in any form for the purposes of smoking or chewing.

3. The licensee must obtain his supplies of ganja or bhang from the Government Excise Warehouse or from other shops within the Station under the special orders of the Collector. The Collector may, however, at any time require any licensee to obtain his supplies from any one specified source.

4. During the closing month of the lease (June) no licensee shall apply for more ganja than is necessary to meet the legitimate requirements of the remaining days of the lease. Every indent for ganja in June shall be sent through the Superintendent of Excise who may, at his discretion, refuse to pass it in full and may pass for supply only such quantity as he considers reasonable.

5. The issue price of ganja will be Rs. 2 per seer. Indents for ganja or other intoxicating drugs should be passed by the Superintendent of Excise before the cost price and duty are remitted into the Imperial Bank of India, Bangalore. The licensee shall, if so required, pay any additional charge that may be incurred in transporting the drug from the Government Warehouse in the Mysore State to the Government Warehouse in the Civil and Military Station, Bangalore.

Issued 2 drafts
30/4/39 Dr. I & II
Ths..

Sent 1944

(14)

(Draft)

OFFICE OF THE HON'BLE THE
RESIDENT IN MYSORE.

R.Dis.No.F.2(2)-39 G & M Date 30th April 1939.

NOTICE.

The right to the retail vend of Ganja and Opium in the shops in the C & M Station, Bangalore, for one year from the 1st July 1939 to 30th June 1940 will be put to public auction by the Collector, C & M Station, Bangalore, in the Public Office Buildings near the Mayo Hall, at 11 A.M. on ~~Thursday~~ Friday the 26th May 1939.

Conditions of sale and other particulars can be ascertained from the Hon'ble the Resident's Notification No.30× dated the 20th April 1939 copies of which can be had from the Collector's office.

× To be filled in from draft I

for 1943 SECY. TO THE RESIDENT.

To

The Manager, the Daily Post, Bangalore, for publication in two successive issues, the bill to be sent to the Collector, C & M Station, Bangalore. for adjustment.

Copy forwarded to the Collector, C & M Station, Bangalore, for information.

17-4-39

L 24/4

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No. C. R.433/39. *Dated* the 9th M a y, *1939*.

S.N.5

OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE, BANGALORE. 15 MAY 1939 No. 4926

RD 2/35

FROM

C. F. V. Williams Esquire, I. C. S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

TO

The Secretary to the Hon'ble the Resident in Mysore, BANGALORE.

SIR,

Sale of arrack shops in the Civil and Military Station, Bangalore - Renewal of the contract for a further period - recommended - your Memorandum R. Dis. No. F.392-38 R.O.II dated the 28th June 1938.

S.N.7 C.P.28-29 (K)

The present period of contract of the arrack shops of the Station renewed in the name of Mr. V. Chinnaswamy Mudaliar will expire on the 30th June 1939. After some pressure from me, Mr. Chinnaswamy Mudaliar has been paying off his arrears at the rate of Rs. 2,000/- per mensem from January 1939 in accordance with the orders contained in your Memorandum No. R.Dis. F. 2-39 R.O.II dated the 19th January 1939, and promises to pay at the same rate in future also. The balance of his arrears now stands at Rs. 47,000/-.

S.N.2 C.P.4 (F)

I recommend that the Hon'ble the Resident be pleased to renew the contract in the name of Mr. V. Chinnaswamy Mudaliar for a further period of one year from the 1st July 1939 subject to the following conditions:-

(1) He should abide by the conditions of sale and special conditions applicable to all excise and opium

opium licences published with Resident's Notification No. 44, dated the 24th April 1937.

S.N.2
C.P. 17-28
(L) F. 665-3

(2) He should sell arrack in the Station at 4 annas per dram during the period of this lease.

(3) He should pay off his arrears at the rate of Rs. 2,000/- as directed by the Resident.

I have the honour to be,

Sir,

Your most obedient servant.

for C O L L E C T O R

KAR
5.5.39.

S.N.1

R.Dis.No.F.2(2)-39 Dated 1-6-1939.
G.& A.

For precedent, please see S.N.6 & 7 of R.Dis. F.392/38 (K)

From

The Secy. to the Resident.

To

The Collector, C & M Station, Bangalore.

SALE OF ARRACK SHOPS IN THE C & M STATION, BANGALORE.

Reference your letter No.C.R. 433/39, dated the 9th May 1939.

S.N.5 p.u.c.

2. The Hon'ble the Resident is pleased to renew the contract for Rs. 1,35,400 in respect of the arrack shops in the C & M Station, Bangalore, in the name of Mr. V.Chinnaswamy Mudaliar, for a further period of one year from the 1st July 1939 to the 30th June ~~1938~~ 1940, subject to the conditions noted below:-

1) He should abide by the conditions of sale and special conditions applicable to all excise and opium licences published with Resident's Notification No.44, dated the 24th April 1937.

S.N.2 C.P. 17-28 F 665-37

2) He should sell arrack in the Station at 4 annas per dram during the period of this lease.

3. He should pay off his arrears at the rate of Rs.2000/- per mensem.

SECY. TO THE RESDT.

Note for Typist.
Copies of the p.u.c and the draft to be kept for R.D.F.Nox~~2x39x~~ 2(1)/39. (F)

17

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No.C. R. 344/39. *Dated* the 26th M a y, *193*9.

FROM

H. H. Carleston Esquire, I. C. S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE BANGALORE
26 MAY 1939
Diary No. 5781
File No.

To

The Secretary to the Hon'ble the Resident in Mysore,

BANGALORE.

Sir,

Ganja and Opium Shops - sale of - 1939-40 - Hon'ble the Resident's Notifications Nos. 30 and 39 dated the 20th April 1939 and 2nd May 1939 respectively.

I conducted the sale of the Ganja and Opium Shops to-day in accordance with the above notifications.

The ganja shops were sold for a total of Rs. 10,250/- as against Rs. 10,630/- in the current year and the opium shops for Rs. 6,570/- as against Rs. 7,360/-. The decrease under ganja shops is negligible as the loss will be compensated by the increase in duty, and the decrease under opium shops is due to the loss sustained by the opium renters of the Station in the current year. There was absolutely no competition for the Opium Shops. In the circumstances I consider the bids satisfactory and recommend that the Hon'ble the Resident may be pleased to confirm the highest bids.

I have the honour to be,
Sir,
Your most obedient servant.

H. H. Carleston
COLLECTOR.

KAA.

REGISTERED
26 MAY 1939

FOR PRECEDENT, PLEASE SEE S.N.4 & 5 OF R.DIS.NO.F. 392-38 K

S N 9

18

Issued 8/6/39

DEPARTMENT.

BRANCH.

File No.

Serial No.

Letter
Draft Memorandum
Telegram

Class for telegrams	INLAND:	FOREIGN:
	Immediate	Immediate
	Important	Important
	Express	Ordinary
	Ordinary	Without priority

R.Dis.No.F.2(2)-39 G & A. Dated 8th June 1939

From

The Secy. to the Resident.

To

The Collector,
C & M Station, Bangalore.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	
List of enclosures	S.N.7 p.w.e.

(Code word for telegrams)

AUCTION SALE OF GANJA AND OPIUM SHOPS FOR THE YEAR FROM THE 1ST JULY 1939 TO THE 30TH JUNE 1940

Sir,

With reference to your letter No.C.R.344/39, dated the 26th May 1939, I am directed to say that the Hon'ble the Resident ~~is pleased to~~ confirm the sales, subject to the solvency of the individual bidders being proved.

I have, etc.,

S.G.

for SECY. TO THE RESDT.

2/6/39

S. 5.
MGIPC—S5—1595(S&P)MFP—(M-944)—6-2-39—60,000 Pads.